

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

RONALD EDGAR DAVIS,  
Defendant.

No. CR-05-148-FVS

ORDER

**THIS MATTER** comes before the Court based upon the defendant's motion to modify the judgment. He is representing himself.

**BACKGROUND**

A revocation judgment was entered on October 26, 2007. The defendant was ordered to serve 12 months imprisonment consecutive to a state sentence. He alleges that the Bureau of Prisons ("BOP") has wrongfully refused to give him credit for 82 days of confinement that he has served.

**RULING**

"After a district court sentences a federal offender, the Attorney General, through the [Bureau of Prisons], has the responsibility for administering the sentence." *United States v. Wilson*, 503 U.S. 329, 335, 112 S.Ct. 1351, 1355, 117 L.Ed.2d 593 (1992). Thus, questions concerning the execution of a sentence should be presented to the BOP in the first instance. *See id.* If,

1 after exhausting his administrative remedies, the defendant remains  
2 dissatisfied, he may seek review of the BOP's decision under 28  
3 U.S.C. § 2241. See *Doganieri v. United States*, 914 F.2d 165, 169  
4 (9th Cir.1990); *United States v. Giddings*, 740 F.2d 770, 772 (9th  
5 Cir.1984). However, the proper forum for bringing a § 2241 habeas  
6 petition challenging the execution of a sentence is the district  
7 where the prisoner is confined. *Dunne v. Henman*, 875 F.2d 244, 249  
8 (9th Cir.1989). The proper respondent in such an action is the  
9 prisoner's "immediate custodian." *Brittingham v. United States*, 982  
10 F.2d 378, 379 (9th Cir.1992) (per curiam) (citation omitted).

11 **IT IS HEREBY ORDERED:**

12 The defendant's motion to vacate (**Ct. Rec. 56**) is **denied**.

13 **IT IS SO ORDERED.** The District Court Executive is hereby  
14 directed to enter this order and furnish copies to the defendant and  
15 to counsel for the United States.

16 **DATED** this 9th day of October, 2008.

17  
18 s/ Fred Van Sickle  
Fred Van Sickle  
19 Senior United States District Judge  
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